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PATENT ACTION

**RESPONSE UNDER 37 CFR §1.116
EXPEDITED PROCEDURE
TECHNOLOGY CENTER ART UNIT 2826**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of

Yuji FUJIMORI et al.

Group Art Unit: 2826

Application No.: 09/914,293

Examiner: T. TRAN

Filed: November 6, 2001

Docket No.: 110443

For: SOLAR CELL AND SOLAR CELL UNIT

REQUEST FOR RECONSIDERATION
AFTER FINAL REJECTION UNDER 37 CFR §1.116

Director of the U.S. Patent and Trademark Office
Washington, D.C. 20231

Sir:

In reply to the Office Action mailed November 15, 2002, reconsideration of the above-identified application is respectfully requested. Claims 1-30 are pending.

Applicants appreciate the Office Action's indication that claims 5, 11-13, 23 and 24 contain allowable subject matter.

Applicants respectfully request that the Restriction Requirement be withdrawn. Specifically, the Office Action asserts that the combination as claimed does not require the particulars of the sub-combination as claimed, and the sub-combination has separate utility. However, this is not the proper test to determine lack of unity of the invention as set forth in 37 C.F.R. §1.475 and §1.499. Unity of invention exists only when there is a technical relationship among the claimed inventions involving one or more special technical features. The term "special technical features" is defined as meeting those technical features that define

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a contribution which each of the inventions considered as a whole, makes over the prior art. See e.g., MPEP §1850. As previously explained in the October 3 Amendment, Group I and II are directed to a semiconductor device including at least an titanium dioxide semiconductor disposed between a pair of electrodes, the titanium dioxide semiconductor being formed with pores. Thus, because the claims of Group II have a technical relationship involving one or more of the same or corresponding technical features of the claims of Group I, the claims of Group I and II comply with the unity of invention requirements of the IPO.

The Office Action rejects claims 1-4, 9 and 10 under 35 U.S.C. §102(e) over USP 6,384,321 to Mikoshiba et al. and claims 6-8, 14-17 and 22 over Mikoshiba and claims 18-21 under 35 U.S.C. §103(a) over Mikoshiba in view of USP 6,084,176 to Shiratsuchi et al. These rejections are respectfully traversed.

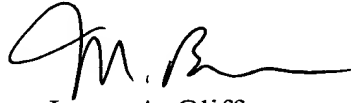
This application claims priority of JP 11-371207 filed December 27, 1999. This predates the filing date of Mikoshiba, September 22, 2000. Thus, Mikoshiba is not prior art for this application.

The features of independent claim 1 are disclosed at e.g., paragraphs 45 and 46. Paragraphs 45 and 46 and Figures 3 and 4 disclose the fractal structure as claimed in claim 1.

In view of the foregoing amendments and remarks, Applicants submit that this application is in condition for allowance. Favorable reconsideration and prompt allowance are earnestly solicited.

Should the Examiner believe that anything further would be desirable in order to place this application in even better condition for allowance, the Examiner is invited to contact Applicants' undersigned representative at the telephone number listed below.

Respectfully submitted,



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Michael Britton
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JAO:MB/jfl

Attachment:
Translation of JP 11-371207

Date: February 19, 2002

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